



"I will stand for my client's rights.
I am a trial lawyer."
—Ron Motley (1944–2013)

28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
o. 843.216.9000 f. 843.216.9450

John M. Eubanks
Licensed in Maryland and South Carolina
direct: 843.216.9218
JEubanks@motleyrice.com

VIA CM/ECF

March 15, 2024

The Honorable Sarah Netburn, U.S. Magistrate Judge
U.S. District Court for the Southern District of New York
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD)(SN)
Burnett, et al. v. Al Baraka Inv. & Dev. Corp., et al., 03-cv-9849 (GBD)(SN)

Dear Judge Netburn:

I write today to clarify an aspect of the Court's Memo Endorsement of March 13, 2024, denying the *Burnett* Plaintiffs' request for substitution. See ECF No. 1145 in *Burnett*. Plaintiffs intend to re-submit the corrected motion promptly, as directed—that is, using the “motion to substitute party” event, identifying the 9/11 decedent, the prior/existing personal representative, and the new/successor personal representative. However, Plaintiffs write to clarify the Court's notation that “the case number listed in Exhibit A is not associated with this MDL.”

Plaintiffs understand that this notation may have arisen because Exhibit A did not indicate that the cited docket number is the original docket number for the *Burnett* action when it was originally filed in the U.S. District Court for the District of Columbia (D.D.C.) before it was transferred into this MDL. As Your Honor is aware, the Judicial Panel on Multi-District Litigation transferred the *Burnett* action from the D.D.C. into this MDL on December 9, 2003. Upon its transfer, the *Burnett* case, that was Case No. 02-cv-1616 (D.D.C.) in the D.D.C., was re-assigned Case Number 03-cv-9849, but the filings in the preceding D.D.C. case were not formally transferred to the MDL docket. Therefore, reference to the *Burnett* pleadings necessarily reference Case No. 02-cv-1616 (D.D.C.). We believe the Court is aware of these facts, but given the Court's Memo Endorsement from yesterday, we felt it necessary to clarify the record.

If we have misunderstood, and the Court was indicating that the filings in the D.D.C. when the case was pending before that Court are not part of this MDL, Plaintiffs would ask for the opportunity to be heard on this issue.

Respectfully submitted,

John M. Eubanks